



U.S. Department of Justice

MEMO ENDORSED

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

November 23, 2022

BY CM/ECF

Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: **United States v. Otis Parkes**
Docket No. 03 Cr. 1364 (LAK)

Dear Judge Kaplan:

The Government respectfully writes to request 60 days to respond to defendant Otis Parkes's motion to vacate, dated November 23, 2022 (the "Motion"). The defendant argues in the Motion to Vacate that he is entitled to relief on his successive Section 2255 motion because of the Supreme Court's decisions in *United States v. Davis*, 139 S. Ct. 2339 (2019), and *United States v. Taylor*, 142 S. Ct. 2015 (2022). The Government opposes the Motion. The undersigned respectfully requests 60 days to respond due to an anticipated three to four week trial in *United States v. Constantine, et al.*, 21 Cr. 530 (SHS) set to commence on November 28, 2022.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney
Southern District of New York

/s/ Danielle M. Kudla
Danielle M. Kudla
Assistant United States Attorney
(212) 637-2304

cc: Daniel Habib, Esq. (by ECF)

SO ORDERED


LEWIS A. KAPLAN, USDJ

11/25/22

Granted. ^{Aug} Reply
papers will be due from movant
for or before 2/29/2023. The
parties should address the question
whether, if the conviction on Count 3
were vacated, defendant must or
may be resentenced de novo.